

**CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT**

July 30, 2003

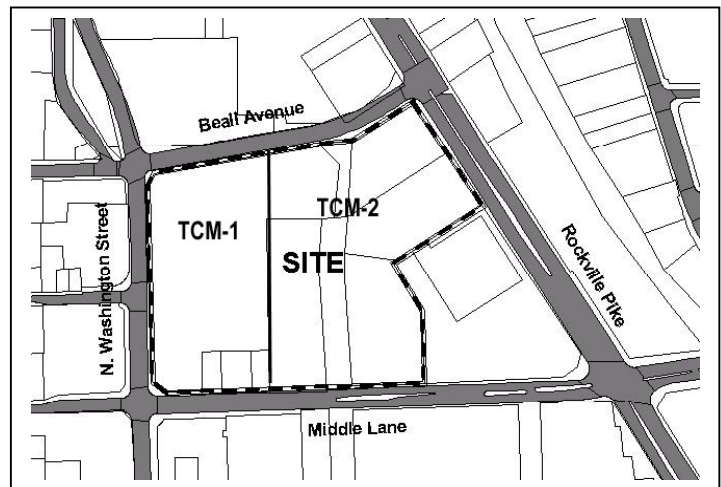
SUBJECT: Preliminary Development Plan
Application PDP2003-00005 –
Rockville Town Square

Applicant: Federal Realty Investment
Trust/City Rockville

Owner: City of Rockville

Date Filed: May 15, 2003

Location: 225 North Washington Street
330 Hungerford Drive
360 Hungerford Drive
200 Middle Lane



REQUEST:

- The applicant requests approval of a Preliminary Development Plan to redevelop the area bounded by Middle Lane, North Washington Street, Beall Avenue and Hungerford Drive/Rockville Pike with a mix of retail, residential, a public library, and parking.

PREVIOUS RELATED ACTIONS:

A 99,400 square foot retail shopping center occupies a portion of the site at 225 North Washington Street. This facility was built prior to commencement of the current use permit process.

S-86-64A: Special Exception for a gasoline service station at 360 Hungerford Drive; approved by the Board of Appeals 8/8/64

U-182-64: Use Permit for a gasoline service station at 360 Hungerford Drive; approved 9/24/64

U-202-65: Use Permit for 26,000 square feet of townhouse offices at 330 Hungerford Drive; approved 2/17/65

RELEVANT ISSUES

In reviewing the application, the following issues emerged and have been addressed:

- Compatibility with the Town Center Master Plan recommendations
- Accommodation of a new public library
- The relationship to other adjoining uses around the site

- Traffic impact, access, on-site circulation and parking needs.

ANALYSIS

Background

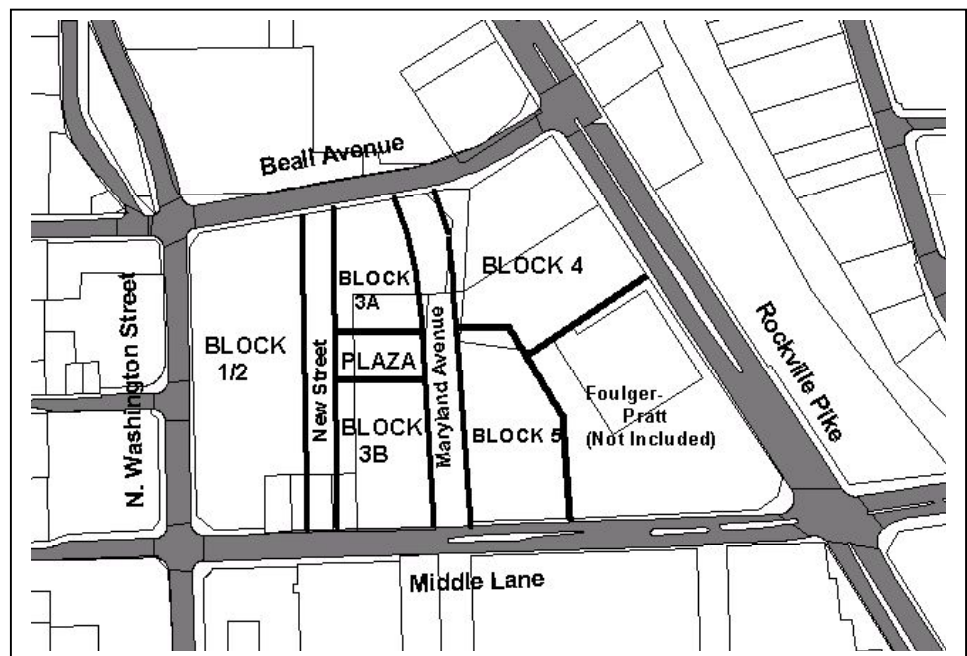
The subject property is a part of the Rockville Town Center. It is bounded by Hungerford Drive/Rockville Pike, Beall Avenue, North Washington Street, and Middle Lane. It is split-zoned, with the eastern 2/3 of the site zoned TCM-2 and the western third zoned TCM-1. The area has been used for a variety of commercial uses over the years. Part of the site is currently owned by the City. The City is in the process of acquiring the balance of the area, except for the Foulger-Pratt site at the corner of Middle Lane and Rockville Pike which is currently under development. The proposed development is a public/private partnership between the City, Montgomery County, Federal Realty Investment Trust, and RD Rockville, LLC.

Property Description

The property consists of 12.365 acres, with frontage on North Washington Street, Beall Avenue, Hungerford Drive/Rockville Pike, and Middle Lane. The site is somewhat rectangular in shape, with a corner cut out at Middle Lane and Rockville Pike. The site is currently occupied by a shopping center consisting of approximately 99,400 square feet of retail space and associated parking, fronting on North Washington Street. A parking lot, owned by the City, occupies much of the area fronting on Middle Lane. There is a gasoline service station at the corner of Beall Avenue and Hungerford Drive. Adjoining the gas station on the south and fronting on Hungerford Drive is a group of townhouse-style offices totaling 26,000 square feet with associated parking.

Proposal

The Preliminary Development Plan (PDP) has been filed under the optional method under the Town Center zones. The optional method allows for increased heights, greater density in the TCM-2 Zone, reduced parking requirements, and more flexible development standards than are available under the standard zoning provisions. The PDP must be approved by the Planning Commission. Subsequent Use Permits must be in conformance with the provisions of



the approved PDP and will be approved by the Mayor and Council as required by the Code in cases where the land is owned by the City or is to be purchased from the City.

The proposal calls for 184,563 square feet of gross floor area for retail development, 777 multi-family residential units, a 102,522 square foot public library, and a 25,900 square foot cultural arts facility. It should be noted that the Mayor and Council may, at a later date, decide to add an additional floor of approximately 13,000 square feet to the cultural building. The applicant proposes to construct the extension of Maryland Avenue from Middle Lane to Beall Avenue, and also construct a second street between Maryland Avenue and North Washington Street. This new street has been referred to as Market Street. There are already other Market Streets in the County, however, so this street will receive another name when the right-of-way is dedicated.

The site will be divided into several blocks, as shown in the illustration. Each block will include a mix of street level retail uses and residential development on the upper floors except Block 3A. Block 1 & 2 will include a grocery store located on the north side and a parking garage on the south side. Connecting Block 1 & 2 to the new street will be 2 vias (pedestrian passageways) that will include special treatments and windows looking into the retail spaces alongside.

Block 3 is divided into parts A and B. The northern portion, 3A, will be devoted mostly to the new public library. Another building fronting on the new street and the plaza will contain ground level retail uses and a cultural arts facility on the upper floors. Block 3B will have ground level retail and residential uses above.

Dividing Block 3 is a public plaza of approximately 120 feet by 240 feet (29,000 square feet). This area will be owned and managed by the City as a public gathering spot and the main focal point for the town center. The street designs and pavement treatments for Maryland Avenue and the new street are intended to allow closure for special events, essentially increasing the plaza area by about 14,640 square feet, for a total of 43,640 square feet, essentially one acre.

Block 4 will primarily be occupied with a 10-story high-rise multi-family residential building. There will be ground floor retail at the corner of Beall Avenue and Hungerford Drive and along Maryland Avenue. This site adjoins the existing Foulger-Pratt office building.

Block 5 will front on Middle Lane and Maryland Avenue. It will have ground floor retail and multi-family residential above.

All of these blocks except 3A will include structured parking to accommodate the proposed uses. Based on the proposed development, the applicant has proposed that the parking requirement would be 2,213 spaces. There would also be approximately 43 street spaces. The applicant's parking calculations differ from the Code requirements. This differential is addressed later in this report.

The following chart provides a summary of the proposal as of July 22, 2003, including minor revisions from the original submittal based on further refinement by the applicant and data from the pending library Use Permit application. Note that in the TCM-2 Zone, Section 25-311 of the Code provides that building heights are to be measured from the 448 foot elevation:

Block	Height		Stories	Retail GFA	Residential Units	Library*	Cultural Arts
	Fr. 448'	Fr. Grade					
1 & 2	75	75	5	75,632	236		
3A	57	65	3	14,175		102,522	25,900**
3B	62	75	5	39,680	169		
4	114	120	10	17,787	207		
5	61	75	5	37,290	165		
Totals				184,563	777	102,522	25,900

*Library size based on pending Use Permit application. PDP submittal shows 105,000 sq. ft.

**May be increased by 13,000 sq. ft. by the Mayor and Council

The retail uses include the following:

Grocery Store:	36,000 sq. ft.
Drug Store:	12,500 sq. ft.
Retail:	77,556 sq. ft.
Restaurant	51,794 sq. ft.
Service space:	6,803 sq. ft.

Interrelationship between the Preliminary Development Plan (PDP) and the Use Permits

The PDP sets the overall levels of development at a concept plan level. The PDP is implemented by subsequent Use Permits that serve as the detailed site plans and the point at which compliance with the development standards (setbacks, height, parking requirements) and the design guidelines are evaluated. There are two separate plans associated with the PDP - a concept plan and an illustrative plan.

The concept plan or bubble diagram identifies the total amount of development (by type), building heights, and the number of parking spaces. This is the plan that will be acted on by the Planning Commission. The concept plan sets the overall development density envelope. Minor reallocations of densities may be allowed during the approval of Use Permits, so long as the overall density envelope is not exceeded.

The second plan is an illustrative plan that shows proposed details that will be fully evaluated as part of the subsequent use permits. The illustrative plan will be an exhibit in the PDP approval, but the actual layouts are not approved as part of the PDP. It has been extremely helpful to have the illustrative plan to show the intent of the development. As a result, staff has identified a number of detailed issues that will need to be resolved prior to the approval of use permits. The illustrative plan and identification of these issues are contained in Attachment 4 for reference.

Section 25-683(a) also provides that approval of the PDP constitutes approval of Preliminary Subdivision Plan. Attachment 2 provides the block layout plan proposed by this application.

Development Standards – Optional Method

This project is proceeding under the optional method of development in the TCM-1 and TCM-2 zones. Under this procedure, the Planning Commission may grant additional building height and floor area ratio (FAR) where development complies with more extensive standards of urban design review and traffic impact review and mitigation. In addition, there is more flexibility in development process, and an allowance for reductions in the parking requirements. It is primarily for the added flexibility that the applicant is pursuing the optional method, since the densities and building heights proposed comply with the standards of the TCM-1 and TCM-2 zones.

The optional method sets forth the following set of requirements, which are accompanied by the staff's findings for each:

1. The site must be a minimum of 2 acres. The site size totals 12.365 acres.
2. The applicant must submit a traffic study in conformance with the Standard Traffic Methodology. A traffic study has been prepared by the Public Works Department, since the City is the applicant for this project. The traffic report is covered separately in this staff report.
3. Development is subject to an urban design review process. One of the conditions of approval of the PDP is that each use permit must generally comply with the adopted Design Guidelines for the Town Center.
4. A shadow study must be performed, such that no building can cast a shadow on an existing or approved residential structure between 10:00 a.m. and 2:00 p.m. on December 21. There are no existing or approved residential structures that would be affected by this proposed development. All of the developments to the east, north and west are nonresidential.
5. There must be a mix of uses, including residential, office, and commercial. The Planning Commission may authorize modifications to this use requirement where the strict application would result in practical difficulty or unnecessary hardship upon the owners. The proposed development includes a mix of retail commercial and multi-family residential. In addition, a public library of 102,522 gross square feet is proposed per the pending use permit. The library will include 12,754 square feet of library administrative offices, as well as 14,725 square feet of office space for other County agencies. We also note that, while not a part of the subject application, the Foulger-Pratt project at the corner of Middle Lane and Rockville Pike provides a significant office component for this portion of the Town Center. Staff concludes that the requirement for a mix of uses is met under this proposal.
6. Pedestrian ways must link the site with adjoining properties and the Metro station. The existing sidewalks, along with the pedestrian circulation that will be provided by the extension of Maryland Avenue and the new street, will provide links both to the other commercial areas as well as to the Metro station. The vias proposed

- from Blocks 1 & 2, along with the proposed public plaza provide internal circulation and connections within the project.
7. Building heights may be allowed up to a maximum of 235 feet and an FAR up to 6 in the TCM-2 and TCM-1 zones. Building height in the TCM-2 Zone are to be measured from the 448 foot elevation. The total non-residential floor area proposed is 312,985 square feet, for an FAR of 0.57. The tallest building, a residential tower, is 120 feet (10 stories). However, since the ground level for this building is at the 442 foot level, the building height by Code is 114 feet. The proposed project is well within the Code requirements.
 8. Where the development includes the provision of public streets or easement for public ways, the area of the rights-of-way or easement may be used to calculate the FAR. These areas are included in the calculations.

Required Findings

Optional method approval requires the same findings as a preliminary plan of subdivision. The required findings are listed below with a brief statement regarding the finding. Detail information supporting the findings is contained in the relevant sections of the staff report.

In reviewing Preliminary Development Plans, the Planning Commission must find that the application will not:

1. *Constitute a violation of any provision of this chapter or other applicable law:* The proposal complies with the relevant provisions of the Zoning Ordinance as described in the Analysis section.
2. *Violate or adversely affect the Plan:* The proposal implements many of the recommendations of the Town Center Master Plan, particularly the extension of Maryland Avenue, relocation of the Regional Library, ground floor retail, increased residential development, public open space, and public parking garages.
3. *Overburden existing public services, including but limited to water, sanitary sewer, public roads, storm drainage and other public improvements:* The proposal is served by adequate water and sewer service and provides improvements to transportation and stormwater management systems.
4. *Affect adversely the health or safety of persons residing or working in the subdivision or neighborhood:* There is no evidence that health or safety will be adversely affected. The proposal includes numerous improvements to the transportation system that should improve pedestrian and bicycle safety while creating an environment that encourages more pedestrian and bicycle access.
5. *Be detrimental to the public welfare or injurious to property or improvements in the neighborhood:* The proposal provides significant improvements to the neighborhood and serves as the catalyst project to lead the overall redevelopment recommended in the Town Center Master Plan.

6. Be unsuitable for the type of development, the use contemplated and available public utilities and services: The proposed development is consistent with the recommendations of the Town Center Master Plan. Utilities and services are planned to accommodate the development proposed in the master plan.

7. Unreasonably disturb existing topography, in order to minimize stormwater runoff and to conserve the vegetation cover and soil: Virtually the entire site is presently covered by buildings or other impervious surfaces. There will be no significant change to the topography of the site resulting from the proposed development. Mitigation measures for any sub-surface soil contamination will be addressed by the applicant. The short portion of the open stream channel is proposed to be enclosed, with mitigation measures to be performed further downstream.

Parking

The parking proposed in the PDP application is based on the analysis done by the applicant's parking consultant, Walker Associates. Their methodology uses different generation rates based on the types of uses and their peak demand times. The Mayor and Council were briefed on this methodology at a worksession on July 28, 2003. These calculations do not necessarily reflect the parking standards set forth in the zoning Code. The Code essentially treats each use as a stand-alone unit with its own parking demand. However, the Code also recognizes that areas such as the Town Center are different, and allows for parking reductions and an optional method of calculating parking.

Parking reductions may be considered within the Town Center Performance District. These reductions may be approved as part of the approval of the use permit or permits following approval of the PDP application. Section 25-683(a)(1) of the Code contains the following provisions regarding parking in the Town Center Planning Area:

- (1) Within the TCO-1, TCO-2, TCM-1 and TCM-2 zones the Planning Commission or the Mayor and Council for City-owned land or land purchased by the applicant from the City in the Town Center Performance District shall have the authority, in the granting of a use permit to reduce the required number of parking spaces by an amount not to exceed thirty (30) percent of the total number space required for nonresidential uses in the building or buildings to be constructed; provided that:
 - a. Such reduction is justified on the basis of:
 1. Common patrons and on-site users of the uses with the building or buildings; and/or
 2. Non-overlapping peak parking needs of the uses within the building or buildings; or
 - b. A major point of pedestrian access to such building or buildings is within a fifteen hundred (1,500) foot walking distance of a transit station shown on the Washington Metropolitan Area Transit Authority Adopted Regional Rail Transit System; or

- c. A parking management plan approved by the Planning Commission or the Mayor and Council for City owned land or land purchased by the applicant from the City in the Town Center Performance District will be implemented with occupancy of the building or buildings using such features as car and van pooling and public or private transit;
- d. In addition to any action taken under this section, the Council, following the issuance of a use permit pursuant to this section, shall have the authority to reduce the number of parking spaces required by the use permit by an amount not to exceed ten (10) percent of the full amount of parking ordinarily required for the use in question. Application for the amount of parking reduction shall be filed with the City Clerk and final approval shall be by resolution of the Council.

With a mix of both residential and commercial uses, there is expected to be a significant number of common patrons and on-site users within the proposed development. In addition, fully half the Town Square site is within 1,500 feet of the entrance to the Rockville Metro station. The City is proposing to establish a parking district within this development, with metered public parking. Control of parking through these means will aid in space turnover, helping to mitigate the reduction along with the mix of uses. Parking reductions, especially when coupled with enhanced pedestrian and bicycle access to transit, have been successful in other areas of the County. Parking reductions can therefore be considered at the time the use permit(s) come forward.

The proposed development will contribute to a Transportation Demand Management District established and operated by the City. The TDM will include ride-sharing, transit fare subsidies, assistance with car-parking, and other trip reduction measures (see p. 3, Attachment 5).

The parking analysis submitted with the application, based on the revised land use plan, is summarized as follows:

Parking Demand Table

Block	Retail	Multi-Family Residential	Multi-Family Condominium	Public Use (Library)	Spaces Required		
					Public	Residential	Totals
1&2	201	308	-	-	201	308	509
3A	41	-	-	250	291	-	291
3B	113	301	-		113	301	414
4	50	-	373	-	50	373	423
5	105	213	-	-	105	213	318
Totals	510	822	373	250	751	1,195	1,955

Parking Supply Proposed

Blocks	Parking Levels								Public Spaces	Residential Spaces	Totals
	-2	-1	G	+1	+2	+3	+4	+5			
1&2		150	76	59	74	74	74	30	226	311	537
3A									0	0	0
3B	152	152							0	304	304
4 (Condo)	209	172	15 5	131	131	131	119		635	413	1048
5	140	141							108	173	281
Total*									969	1,201	2,170

*Total does not include ± 43 street parking spaces proposed

These parking calculations have been prepared by Walker Associates, based on their experience with similar types of mixed-use projects.

The staff has prepared the following parking calculation table, based on the applicant's revised submission as compared with the provisions of Sec. 25-683(a)(2) which provides an alternate parking calculation for mixed uses under the optional method based on non-overlapping peak uses. The largest of the five results becomes the minimum parking requirement by the Code. The application does not break out restaurants as a separate use. The applicant has indicated that 28%, or approximately 51,704 square feet of the retail area is expected to be restaurant use. Based on that, staff has made the following calculations:

Town Center Parking Calculation					
	Weekday		Weekend		Night
	Day	Evening	Day	Evening	
Retail	329	593	658	461	33
Office	114	12	12	6	6
Restaurant	290	580	580	580	58
Institutional	227	454	454	137	23
Sub-total	960	1639	1704	1184	120
Residential	692	1038	922	1038	1153*
Totals	1652	2677	2626	2222	1273

*Residential: 376 2-BR units; 401 Eff./1-BR units

Restaurant parking: 25,852 patron use area; 1 space per 50 sq. ft. = 517
 Estimate 5,000 sq. ft. outdoor space @ 1 space per 80. sq. ft. = 63
 Total restaurant parking required = 580

Total Parking required at standard rates = 2,677 spaces (Weekday Evening)
 Total parking proposed by applicant = 2,213 (including 43 on-street spaces)

As noted above, Sec. 25-683(a)(1) allows parking reductions at the use permit stage only for the non-residential portion of the proposed development. Based on this requirement, the parking calculation for the non-residential portion is as follows:

Non-residential parking provided per PDP application = 1,012 spaces (incl. 43 street spaces)

Non-residential parking required per Code (Weekend Day) = 1,704 spaces

Parking reduction required by current regulations = 692 spaces or 40.6%

The figure of 40.6% slightly exceeds the maximum reduction allowed by the Code. However, staff notes that the amount of residential parking proposed actually exceeds this requirement by 48 spaces ($1201 - 1153 = 48$). Converting these spaces to public parking would bring the parking reduction down to 644 spaces, or 38%, which is within the Code standard, while still meeting the overall parking requirement.

In addition, the parking district to be established by the City for the Town Center is expected to include more area than just the area subject to this PDP application. There will be the opportunity for the City to provide more public parking that can serve the Town Square as well as future developments in the Performance District. Creation of the parking district may require a text amendment to the zoning Code, which will also provide an opportunity to re-examine the parking requirements within the Town Center area.

For the residential parking requirement, the final distribution of types of units will only be determined at the time of use permits for the individual building projects in the development. The final mix of units must still meet the parking requirements. The unit count shown is based on the mix of units currently proposed by the applicant, assuming 2 bedrooms for the condominiums and efficiency or 1-bedroom units for the rentals.

The staff can support the application based on the proposed parking, since it can be demonstrated that the parking requirements under the current regulations will comply with the requirements of the Code that allow up to a 40% reduction. The final determination for the parking requirements will be based on the use permit, or permits, as they come forward for approval. The creation of a parking district, and/or other possible Code changes regarding parking in the Town Center, can also proceed ahead of final use permit approvals.

Moderate Priced Dwelling Units

The Code requires that 15 percent of the total residential units be provided as moderate priced units (MPDU's). With 777 residential units proposed, the total number of MPDU's required would be 117 units. The MPDU's should be distributed throughout the project.

Design Guidelines

The Mayor and Council are expected to adopt the Town Center Design Guidelines at their meeting on August 4, 2003. The guidelines are a refinement of the recommendations for the design of the Town Center contained in the Rockville Town Center Master Plan, adopted in October 2002. The guidelines are not intended to be requirements, but principles that should guide the development in the Town Center. The guidelines are intended to apply to both public and private developments. The design guidelines are intended to enhance the fabric of the Town Center by bringing the buildings up to the sidewalk, providing street-level retail to activate the street, provide enhancements such as trees, benches, zones for sidewalk cafes, and a design palate of architecture and materials that reflect or build upon the ambience of old downtown Rockville. As such, as a condition of approval of the PDP, all use permits must address how the projects will comply with the design guidelines, or how and why such compliance cannot be achieved.

Environmental Review

As part of the overall development of the site, much of the infrastructure required will be funded in whole or in part by the City through CIP funds. The applicant may be designing and constructing some of the infrastructure improvements as a contractor to the City.

Public Sewer

Rockville will provide sewer service for the Town Square development. This development is located within the Cabin John sewershed. The sewer lines servicing the site will connect to the existing Cabin John Outfall Sewer. The applicant for Town Square will design and construct all sewer systems to service the development. Wastewater treatment will be provided at the Blue Plains Wastewater Treatment Plant in the District of Columbia, of which Rockville has purchased sufficient treatment capacity to accommodate the Town Square.

The Department of Public Works (DPW) modeled the Cabin John trunk sewer main and determined that the existing Cabin John Outfall Sewer pipe has adequate capacity to serve the proposed Town Square development based on the proposed development mix. Staff has previously prepared a demand model for the Town Center.

Public Water

Rockville will provide water service for the Town Square development. Rockville's existing water treatment plant, located on Sandy Landing Road in Potomac, is under renovation. The renovation and upgrade program, which will be completed in 2005, will allow the plant to meet the water demand created by the Town Center Master Plan level of projected development. Additionally, a Water Pumping Station on Glen Mill Road is needed to augment the City's water distribution system to meet the water demand created by the Town Center Master Plan level of projected development. The pump station will be operational in 2005.

The applicant for Town Square will design and construct all local water distribution lines to service the development. Additionally, the applicant will also replace the existing 16-inch steel water main in Beall Avenue between the North Washington Street and Maryland State Route 355 (approximately 900-linear feet of water main).

Rockville has adequate facilities to provide service demand volume and street level water pressure as recommended by the American Water Works Association (AWWA).

Stormwater Management (SWM)

DPW has reviewed the proposed stormwater management concept. The stormwater management concept was conditionally approved in a letter dated May 29, 2003. The applicant shall utilize the most recent design and sizing recommendations from the Maryland Department of the Environment (MDE) as contained in the latest version of the Maryland Stormwater Design Manual. Stormwater management for quality control will be provided by two on-site structural sand filters. Water quantity control will be provided by monetary contribution.

Erosion and Sediment Control

The applicant plans to demolish and grade the entire site which translates into 12.37-acres of the site to be disturbed at one time. Due to this large disturbance, silt fence and/or super silt fence is not sufficient by itself to protect the adjacent properties from sediment runoff.

A concept including more detailed sediment control (SC) engineering plans must be submitted during the initial Use Permit stage. At a minimum, the concept should include a location plan for the major sediment basins and/or traps to serve during rough grading and a phased grading/construction plan that reflects the entire development's sequence of construction.

Flood Plain

No flood plains exist within the limits of the Town Square development.

Other Environmental Matters

A Phase I Environmental Site Assessment (ESA) indicates the presence of contaminated soils and/or groundwater within the 12.37-acre site. The applicant is working with the Maryland Department of the Environment (MDE) to develop mitigation plans and will be participating in the MDE Voluntary Cleanup Program.

Existing environmental conditions on the subject property are typical of older urban centers, including potential soil and groundwater contamination stemming from previous uses on the site and adjacent parcels. Preliminary investigation has indicated the presence of pollutants typically associated with releases from underground fuel storage

tanks and dry cleaners. Site assessments are currently underway to fully characterize subsurface soil and groundwater conditions and pursue remediation, if necessary, through the state's Voluntary Cleanup Program established for this purpose. This program enables polluted sites, sometimes referred to as brownfields, to be redeveloped when there are difficulties associated with tracking historic or unknown sources of contamination. All necessary requirements of the state will be identified and a cleanup plan in place, if necessary, prior to the issuance of permits.

The property contains a small, degraded open stream channel that has been isolated from the larger stream system by long sections of underground stormdrain pipes. The site ultimately drains to Rock Creek, with the small remnant channel referred to on older maps as Frog Run. There are currently no stormwater management controls on any of the subject parcels, and existing vegetation includes a number of mature street trees, primarily along North Washington Street, and a narrow buffer of trees and understory along the stream channel. The proposal calls for the enclosure of the stream channel, with appropriate mitigation to be provided through restoration of a downstream channel area.

The proposed redevelopment plan, including the provision of stormwater quality controls, the focus on multi-modal transportation, cleanup of prior contamination, and downstream stream channel enhancements, represents a significant improvement over existing environmental conditions. Staff encourages the proposed development, including the library, to incorporate "green" building and energy efficient design elements to the extent possible.

Transportation

The Transportation division has undertaken a comprehensive review of the traffic impacts of the entire town center redevelopment program. Those comments are summarized in Appendix B. The specific recommendations for the PDP application are as follows:

Recommendations

Based on the City's review, which took into account the needs of motorists, pedestrians, bicyclists, and transit users, City staff made the following recommendations, which serve to mitigate potential transportation impacts, to be incorporated as conditions of approval for the Town Square PDP:

1. Construction of two new streets –Maryland Avenue and the new street (referred to here as Market Street);
2. Intersection improvements on Town Square perimeter streets;
3. Installation of a traffic signal at Middle Lane and Maryland Avenue;
4. Construction of extra wide sidewalks;
5. Pedestrian and bicycle enhancements abutting Town Square intersections;
6. Provision of adequate right-of-way for the implementation of bikeway facilities along Market Street, Middle Lane, and Beall Avenue;
7. Provision of bicycle facilities (e.g., racks and lockers);

8. Payment of TDM fees for non-residential uses at a rate of \$.10 per square foot per year for 10 years;
9. Payment of TDM fees for residential uses at a rate of \$60 per market dwelling unit per year for 10 years;
10. Payment of the applicable County Development Impact Tax, estimated to be \$343,666, if paid in 2003 and based upon current rates.
11. Contributions for the improvement of traffic and transportation systems within Town Square or improvements that provide direct access to Town Square shall be provided by the developer in the amount of \$600,000. This amount is based on contribution amounts from comparable projects with similar impacts and on fair share. The use of these funds is described in the following section.

Proposed Fund Allocation

In conjunction with contributions from other development projects and Capital Improvement Program (CIP) funds, the \$600,000 contribution from the developer and other City funds should be expended on the projects and programs outlined below. While the funds could be reserved for these projects, staff is cognizant that the actual implementation of each project would require significant citizen input as well as Mayor & Council approval when warranted and deemed necessary.

Citizen input, Mayor & Council approval, and implementation procedures, could vary from project to project. Simple projects, such as bus stop shelters and sidewalk links, may be implemented through general CIPs. Other projects need to be discussed and studied as part of neighborhood plan updates and some may require the creation of a new CIP project. Additional comments and recommendations can be found in Attachment 5.

Public Notice

Post card notice of the proposed PDP application and Planning Commission meeting date were sent to all adjoining and confronting property owners surrounding the project. In addition, post cards were sent to all civic associations in the neighborhoods surrounding the project. The project has also been the subject of many other avenues of notice including televised updates at Mayor and Council meetings, open houses, and numerous civic association meetings.

STAFF RECOMMENDATION

Approval is recommended, subject to the following conditions:

1. Use permits submitted for the PDP must be consistent with the approved PDP plan dated July 17, 2003. Minor reallocations of floor area or uses may be allowed at the Use Permit stage, within the overall development envelope approved in the PDP.
2. Parking reductions may be approved at the time of Use Permit approval, consistent with the requirements of the Code.

3. Construct two new streets – “Market Street” and Maryland Avenue;
4. The rights-of-way (ROW) for Middle Lane, Beall Avenue, Maryland Avenue and the new street must be finalized through subsequent use permit(s). The rights-of-way for Maryland Avenue and the new street will be from back of curb to back of curb.
5. Rights-of-way must include truncations at all corners.
6. Provide intersection improvements on Town Square perimeter streets;
7. Curb cuts must be minimized to the extent possible.
8. The intersections of Beall Avenue with North Washington Street and Maryland Avenue must include provisions for up-graded or future traffic signal installations.
9. Install a traffic signal at Middle Lane and Maryland Avenue;
10. Sidewalks constructed outside the public rights-of-way must be within easements to allow public use and access.
11. Where required, construct extra wide sidewalks for shared pedestrian and bicycle use;
12. Where new sidewalks connect to existing sidewalks, such as along Middle Lane and Hungerford Drive/Rockville Pike, they must be consistent in treatment.
13. Construct new bicycle lanes on Market Street, Middle Lane, and on Beall Avenue;
14. Provide pedestrian and bicycle enhancements at Town Square intersections rated less than “adequate” according to the City’s safety standards;
15. Provide bicycle facilities (e.g., racks and lockers), with amounts to be determined at Use Permit review;
16. Payment of TDM fees for both residential and non-residential uses at the rates in effect at the time of Use Permit approval (Current rates are \$.10 per square foot per year for 10 years for commercial, and \$60 per market dwelling unit per year for 10 years;
17. Payment of the County’s Development Impact Tax, as applicable, estimated to be \$343,666, based upon current rates for 2003; the tax would rise to \$458,221 if paid in 2004. The tax may increase if the County Council raises it for school purposes.
18. A contribution of \$600,000 for the improvement of traffic and transportation systems within Town Square or that provide direct access to Town Square, as described in the body of the staff report.

19. Provide all necessary final design plans, computations and easements for all sewer and water main construction, including the replacement of the 16 inch water main in Beall Avenue, for approval by DPW. Plans shall include traffic control plans as needed.
20. Post bonds and obtain all necessary local, state and federal permits and approvals for roads, sidewalks, bike lanes, water mains, sewer mains SWM facilities and any infrastructure within rights-of-way.
23. Provide all necessary sediment control design plans and computations for approval by DPW.
24. Comply with all conditions detailed in the SWM concept approval letter dated May 29, 2003.
25. Provide all necessary final design plans, computations and easements for all stormwater management (SWM) facilities for approval by DPW. SWM facilities must be designed in accordance with the latest version of the Maryland Stormwater Design Manual.
26. Design and construct stream improvements downstream of Town Square as required by Maryland Department of the Environment (MDE) and/or the City of Rockville. Mitigation will be required for piping the existing open stream channel (Frog Run) and requirements may range from stream restoration to recreating a natural stream.
27. All sediment traps and/or deep excavation shall have de-watering devices to improve sediment removal.
28. Obtain No Further Requirements finding or approved Response Action Plan from MDE Voluntary Cleanup Program (VCP) prior to the issuance of grading permits for the affected areas of the site. Additionally, grading permits will not be issued until all necessary approval and/or permits are obtained from the state. A phased grading plan may be required based on the outcome of the VCP recommendations.
29. Building designs should incorporate green building and LEED energy efficiency standards.
30. Prior to approval of the initial Use Permit, a final Forest Conservation Plan must be submitted that addresses on-site significant tree replacement and afforestation requirements.
31. Use Permits to include detailed streetscape plan that accommodates mature shade-tree planting through the use of a combination of tree lawns, and continuous tree-pits with bridging.
32. Provide a development staging plan to assure the availability of parking when the library opens, and through the phased Town Square development stages.

33. All utilities to be underground or within buildings, or as directed by DPW.
34. Use Permits must address compliance with the adopted Town Center Design Guidelines.
35. Provide public art throughout the project.
36. The City retains final design approval authority for the Town Plaza.

DEM/

Attachments:

1. PDP Generalized Land Use Concept Plan
2. Preliminary Block Layout (for Preliminary Plan of Subdivision)
3. Stormwater Management Concept Approval Letter
4. Items to be Considered as Part of Use Permit Application Reviews
5. Summary of Town Center Transportation Analysis